

Notice of Allowability	Application No.	Applicant(s)	
	10/694,695	YOO ET AL.	
	Examiner	Art Unit	
	Thomas H. Parsons	1745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendments filed 5 March 2007.
2. ☒ The allowed claim(s) is/are 1 and 3-10.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>3/26/2007</u>. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
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Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5 March 2007 has been entered.

Response to Amendment

This is in response to the Amendment filed 5 March 2007.

(Previous) DETAILED ACTION

Claim Rejections - 35 USC § 112

2. The rejections of claims 3, 4, 6, 7, 9, 10, 13, 14, 15 and 17 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention have been **withdrawn** in view of Applicants' Amendment.

Claim Rejections - 35 USC § 103

3. The rejections of claims 1-23 under 35 U.S.C. 103(a) as being unpatentable over Yoo et al. (6,593,020) in view of Shiratori et al. (5,368,951) have been **withdrawn** in view of Applicants' Amendment.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney James Merrick on 26 March 2007.

The application has been amended as follows:

claim 4, line 1, "according to claim 2" has been changed to --according to claim 1--.

Response to Arguments

5. Applicant's arguments, see page 6, second full paragraph through page 7, filed 5 March 2007, with respect to claims 1-23 have been fully considered and are persuasive. The rejections of the claims have been **withdrawn**.

Reasons for Allowance

6. The following is an examiner's statement of reasons for allowance:

The claimed invention is directed towards, *inter alia*, a single cell wherein four sides or opposite two sides of corners of the single cell are downwardly bent in an inverted U shape, and gas channels are integrally formed in at least one of the fuel

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electrode, electrolyte and air electrode defining an inner side and/or an outer side of the single cell. In other words, the gas channels are formed in at least one of the fuel electrode, electrolyte and air electrode defining a side of the single cell such that gas channels and the single cell are integrally embodied wherein four sides or opposite two sides of corners of the single cell are downwardly bent in an inverted U shape, and gas channels are integrally formed in at least one of the fuel electrode, electrolyte and air electrode defining an inner side and/or an outer side of the single cell.

In contrast, the ribbed distributors (5 and 6) of Shitori et al., which are designated as gas channels, are disposed in a surface of an air electrode (2) and a surface of a fuel cell electrode (3), respectively, such that the distributors, the air electrode, and the fuel electrode are embodied as separate parts. There is not disclose or suggestion in Shitori et al. or of anything about gas channels integrally formed in at least one of a fuel electrode, electrolyte, and air electrode defining the single cell wherein four sides or opposite two sides of corners of the single cell are downwardly bent in an inverted U shape, and gas channels are integrally formed in at least one of the fuel electrode, electrolyte and air electrode defining an inner side and/or an outer side of the single cell.

Accordingly, neither of the prior art references of record, teach or suggest, alone or in combination, the claimed invention.

For this reason, claim 1 and claims 3-10, which are dependent thereon, are

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Examiner Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas H. Parsons whose telephone number is (571) 272-1290. The examiner can normally be reached on M-F (7:00-4:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pat Ryan can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thomas H Parsons
Examiner
Art Unit 1745

MARK RUTHENBERG
PRIMARY EXAMINER

MR Parsons
7.27.07
